

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JEAN JADEL ALEXANDRE,
Petitioner,

v.

BRUCE CHADBOURNE,
DISTRICT DIRECTOR,
IMMIGRATION AND
CUSTOM ENFORCEMENT,
Respondent.

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CIVIL ACTION NO:
04-10319-PBS

**RESPONDENT'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER
JURISDICTION**

Now comes the Respondent, pursuant to Fed. R. Civ. P. 12(b)(1), to request that the instant Petition be dismissed on the ground that the Court lacks subject matter jurisdiction.

In support of the Motion, the Respondent submits the attached memorandum of law and Exhibit.

For the foregoing reasons, the Respondent requests that the Petition be dismissed for lack of jurisdiction.

By his attorneys,

MICHAEL J. SULLIVAN
United States Attorney

MARK J. GRADY
Assistant U.S. Attorney
U.S. Attorney's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
Tel. No. (617) 748-3136

Certificate of Compliance with L.R. 7.1

I hereby certify that on February 18, 2004, I contacted Petitioner's counsel regarding the instant motion. The Petitioner would seek to oppose the motion.

Mark J. Grady
Assistant U.S. Attorney

Certificate of Service

I hereby certify that a true copy of the above document was served upon counsel for the Petitioner, Steven Lagana, Lagana & Associates, 145 Essex Street, Lawrence, MA 01841, by mail on this 23rd day of February 2004.

Mark J. Grady
Assistant U.S. Attorney